

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OBERALIS LLC,

Plaintiff,

v.

AEROPOSTALE, INC.,

Defendant.

CIVIL ACTION NO. 2:15-CV-950

LEAD CASE

OBERALIS LLC,

Plaintiff,

v.

SEARS HOLDING CORPORATION,

Defendant.

CIVIL ACTION NO. 2:15-CV-986

JURY TRIAL DEMANDED

**UNOPPOSED SECOND MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant Sears Holding Corporation ("Sears") moves the Court to extend its deadline to answer or otherwise respond to Plaintiff's Original Complaint by an additional 15 days from September 16, 2015 to October 1, 2015. In support of its motion, and for good cause shown, Sears states:

1. Plaintiff filed its Original Complaint on June 5, 2015.
2. Sears was served on or about June 19, 2015.
3. Sears' response to the Complaint was originally due on July 18, 2015. Sears filed an Unopposed First Application for Extension of Time to Answer Complaint on June 30,

2015, requesting a 30-day extension from July 18, 2015 to August 17, 2015, which this Court granted. (D.I. 6).

4. Sears filed an Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint on August 17, 2015, requesting a 30-day extension from August 17, 2015 to September 16, 2015, which this Court granted. (D.I. 9, 10).
5. Sears and the undersigned counsel request an additional 15 days for Sears to complete its investigation of the claims asserted in light of additional information provided by Plaintiff and to accommodate counsels' respective schedules, which would make Sears' deadline to answer, plead or otherwise respond October 1, 2015.
6. This extension is not sought for purposes of delay.
7. Plaintiff does not oppose this request.

WHEREFORE, for good cause shown, and not for the purpose of delay, Sears respectfully requests that this Court grant an extension of time to answer, plead or otherwise respond to the Complaint up to and including October 1, 2015.

A proposed Order granting this unopposed Motion is attached hereto.

Dated: September 14, 2015

Respectfully submitted,

/s/ Mark C. Nelson

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ATTORNEY FOR DEFENDANT

SEARS HOLDING CORPORATION

CERTIFICATE OF CONFERENCE

On September 12, 2015 the undersigned counsel conferred with Plaintiff's counsel regarding the subject of this Motion and Plaintiff's counsel indicated that Plaintiff did not oppose the relief requested.

/s/ Mark C. Nelson

Mark C. Nelson

CERTIFICATE OF SERVICE

I certify that on September 14, 2015 I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF System, which will serve all counsel of record by notice of electronic filing under Fed. R. Civ. P. 5(b)(2)(E) and Local Rule 5.2.

/s/ Mark C. Nelson

Mark C. Nelson